

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8121 of 2005

Between:

N. Yellaswamy, S/o. Rajaiah, Fair Price Shop Dealer
Dharmaraopet, Ghanpur Mandal, Warangal District.

..... PETITIONER

AND

- 1 The Joint Collector, Warangal, Warangal District.
- 2 The Revenue Divisional Officer, Mulug, Warangal District.
- 3 The Mandal Revenue Officer, Ghanpur Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Order Dated 29-11-2004 in Proceedings No. I/3421/2004 passed by the 2nd Respondent and also the Order Dated 28-01-2005 in Appeal No. 01/2005 passed by the 1st Respondent as illegal and arbitrary and consequently direct the Respondents to continue the Petitioner as Fair Price Shop Dealer of Shop No.2, Dharmaraopet Village, Ghanpur Mandal, Warngal District and to pass such other necessary order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

This Writ Petition is filed for issuance of a writ particularly one in the nature of Writ of Mandamus, declaring the proceedings issued by the second respondent in I/3421/2004 dated 29.11.2004 and also the order dated 28.1.2005 in Appeal No. 1/2005 passed by the first respondent, as arbitrary and consequently, direct the respondents to continue the petitioner as Fair Price Shop Dealer of Shop No. 2 of Dharmaraopet Village, Ghanpoor Mandal, Warangal District.

The grievance of the petitioner in this Writ Petition is that the first respondent-Joint Collector, Warangal, Warangal District, while disposing of the appeal did not assign any reasons.

In fact, this court in several matters has been consistently issuing directions to the appellate authority to dispose of the appeal with reasons. Contrary to those directions, the appellate authority has been passing the orders even without assigning any reasons.

In the instant case also the appellate authority expressed its disinclination to interfere with the orders passed by the second respondent, nothing more and nothing less, therefore, that cannot be treated as disposal of the appeal with reasons.

For the foregoing reasons, I deem it expedient to set aside the impugned order dated 29.11.2004.

Accordingly, this Writ Petition is allowed and the impugned order dated 29.11.2004 is set aside and the matter is remitted back to the first respondent with a direction to dispose of the appeal with reasons in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. No costs.

D.S.R. VARMA, J

DATED: 12.04.2005

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Note: Furnish copy in two days.

To

- 1 The Joint Collector, Warangal, Warangal District.
- 2 The Revenue Divisional Officer, Mulug, Warangal District.
- 3 The Mandal Revenue Officer, Ghanpur Mandal, Warangal District.
4. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)
5. Two CD copies.
6. 1 CC to MR.RAVI PRASAD